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Via Certified Mail: 7003 2260 0002 6559 1480

RUTGERS Organics Corporation

February 23, 2004

Associate Administrator for Hazardous Materials Safety  
Research and Special Programs Administration  
U.S. Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590-0001  
Attention: Exemptions, DHM-31

Dear Sir or Madam:

RSFA-2004-17547-1

Enclosed, please find an exemption application pertaining to the transport of hazardous materials on a public road at RUTGERS Organics Corporation in Harrison, OH. This exemption application concerns movements of product and raw materials between production and warehouse areas at a single manufacturing site, which is divided by a local two-lane roadway. RUTGERS Organics Corporation (ROC) is seeking relief from certain Department of Transportation regulatory requirements affecting these intra-plant movements of hazardous materials.

Should you have any questions or require additional information regarding the proposed exemption, please do not hesitate to contact me at (814) 231-9212.

Sincerely,

A handwritten signature in cursive script that reads "Lori McGarry".

Lori McGarry  
Corporate Environmental Engineer

cc: F. Canepa  
C. Deskins  
R. Murphy  
C. Williams

Encl: DOT Exemption Application w/ appendix

201 Struble Road  
State College, PA 16801

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Member of the RUTGERS Organics Group

**APPLICATION FOR EXEMPTION  
From Hazardous Materials Program Procedures  
Pursuant to 49 CFR 107.105**

***RÜTGERS Organics Corporation, Harrison, OH***

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**APPLICANT**

RÜTGERS Organics Corporation  
10740 Paddy's Run Road  
Harrison, OH 45030  
Phone: (513) 738-1255

***Applicant Contact:***

Lori McGarry  
Corporate Environmental Engineer  
RÜTGERS Organics Corporation  
201 Struble Road  
State College, PA 16801  
Phone: (814) 231-9212

**DETAILED DESCRIPTION OF PROPOSED EXEMPTION**

***Overview***

RÜTGERS Organics Corporation (ROC), located at 10740 Paddy's Run Road in Harrison, OH, is seeking exemption from certain Department of Transportation (DOT) regulations for the transport of hazardous materials on a public road.

Paddy's Run Road, a two-lane local roadway, separates the plant production and office areas to the east from its warehouse facilities and truck loading station to the west. In order to efficiently move product and raw materials between the plant production areas and the warehouse and truck loading station, ROC is seeking exemption from various DOT shipment identification and tracking requirements, such as marking, labeling, and the use of shipping papers.

Under the proposed exemption, hazardous materials will be transported less than 20 yards across and less than 50 yards along Paddy's Run Road, as detailed in the facility map in Appendix A. Excluding the exemptions requested in this application, movements will comply with all applicable regulations regarding shipment preparation, vehicle safety, and driver training and licensing. In addition, hazardous materials transported on Paddy's Run Road will remain in the control of ROC employees at all times during loading/unloading, storage incidental to movement, and transport. As a result, ROC is requesting exemption from the regulatory requirements for formal shipment identification and tracking, listed below, when transporting hazardous materials on Paddy's Run Road.

***Regulatory Citations***

ROC requests exemption from the following DOT regulations for the transport of hazardous materials on Paddy's Run Road:

- 1) 49 CFR 172.200 through 172.205, pertaining to shipping papers
- 2) 49 CFR 172.300 through 172.338, pertaining to marking
- 3) 49 CFR 172.400 through 172.450, pertaining to labeling
- 4) 49 CFR 172.602(c)(1), pertaining to maintenance of emergency response information with the transport vehicle

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***RÜTGERS Organics Corporation, Harrison, OH***

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- 5) 49 CFR 172.604(a)(3), pertaining to emergency response telephone number on shipping papers
- 6) 49 CFR 177.817, pertaining to shipping papers
- 7) 49 CFR 177.823(a), pertaining to marking

***Proposed Modes of Transportation, Description of Packaging, and Identification of Hazardous Materials Planned for Transport***

Modes of Transportation:

ROC proposes to transport hazardous materials on Paddy's Run Road via two modes of transportation:

- Bulk materials will be transported via tanker truck, consisting of a single company-owned tractor and one of two company-owned cargo tanks or, on occasion, a cargo tank received onsite from another carrier; and
- Non-bulk packagings will be transported via two liquid petroleum gas forklifts.

Bulk and non-bulk shipments of hazardous materials on Paddy's Run Road will follow the routes detailed in the facility map in Appendix A.

Identification of Hazardous Materials Planned for Transport:

Hazardous materials to be transported under the proposed exemption will include both bulk and non-bulk packagings of:

- Class 3 Materials, such as toluene, xylene, isopropyl alcohol, cumene, and other flammable liquids;
- Class 8 Materials, such as sulfonic acids, poly phosphoric acid, and other corrosive liquids; and
- Class 9 Materials, including facility resale products such as Ruetsolv, Naxamide CD-231, and Naxamide CD-140, raw materials such as Panasol AN-3N, and other chemicals.

Description of Packagings:

Bulk packagings will consist of single- and multi-compartment MC 307 cargo tanks, with approximate capacity of 6,500 gallons each.

Non-bulk materials will be packaged as follows:

- Class 3 Materials will be packaged in 55-gallon, tight-head steel drums or 275-gallon, polyethylene totes;
- Class 8 Materials will be packaged in 15- or 55-gallon, tight-head polyethylene or steel drums or 275-gallon, polyethylene totes; and
- Class 9 Materials will be packaged in 55-gallon, tight-head steel drums or 275-gallon, polyethylene totes.

***Proposed Duration of Exemption***

The transport of hazardous materials on Paddy's Run Road, as described in this application, is associated with the normal operation of ROC's Harrison, OH facility and will therefore occur on a

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regular and indefinite basis. As a result, ROC is requesting that the proposed exemption be granted permanently for the hazardous materials movements described in this application.

**BASIS FOR SEEKING COMPLIANCE RELIEF and JUSTIFICATION OF EXEMPTION PROPOSAL**

***Basis for Seeking Relief from Compliance***

Due to the design of ROC's Harrison, OH facility and revised customer requirements, it is necessary to transport hazardous materials on Paddy's Run Road on a regular basis. These movements from the plant production areas to the warehouse and truck loading areas are essential to the effective operation of the plant, and, by this exemption application, ROC is seeking to improve the efficiency with which they are conducted.

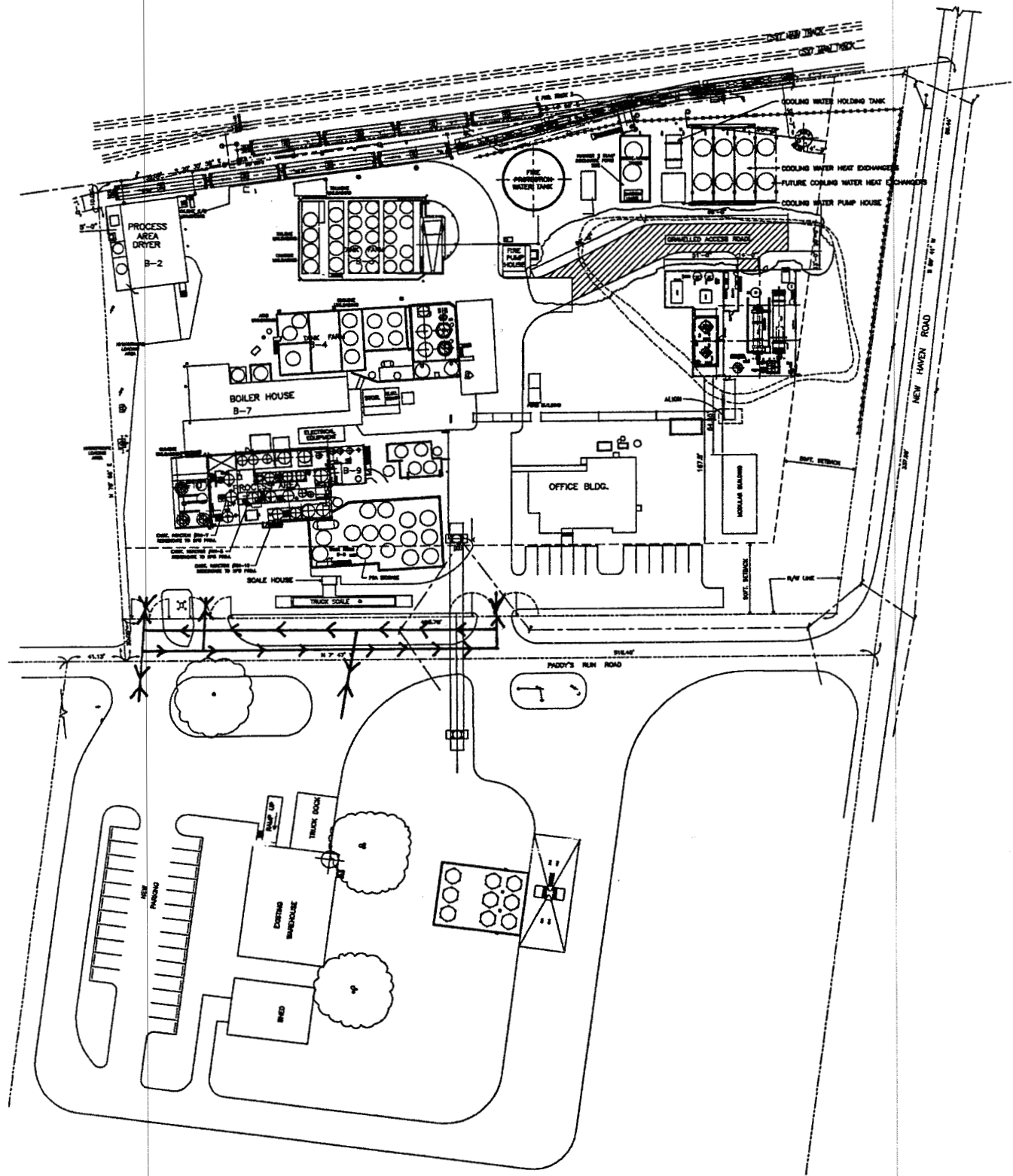
***Justification of Exemption Proposal***

DOT regulatory requirements for marking, labeling, and manifesting of hazardous materials in commerce are intended to provide carriers and emergency responders with immediate access to chemical hazard information in the event of a hazardous materials emergency during transport. However, as the materials described in this application will remain in the continuous control of ROC employees and travel between two adjacent areas of a single facility, the individuals involved in shipment preparation, transport, and emergency response will be familiar with the shipment contents and will have immediate access to chemical hazard information on site at all times.

Therefore, although the regulatory requirements for formal shipment identification and tracking may be critical for offsite transport, it is the position of ROC that such requirements are mere formalities when applied to intra-plant hazardous materials shipments on Paddy's Run Road. By continuing to comply with all other applicable DOT regulations, ROC believes that the proposed exemption will increase the efficiency of its operation without compromising the safety of hazardous materials shipments on Paddy's Run Road.

## APPENDIX A:

### Facility Map & Hazardous Materials Movements on Paddy's Run Road



→ Hazmat movements on Paddy's Run Road  
to which the proposed exemption would apply